

1 No. 14 again, please.

2 A Okay.

3 Q You don't have recall of every fax you've gotten
4 since 1996, do you, ma'am?

5 A No, I do not.

6 Q And just because you don't have recall of this
7 particular Exhibit No. 14 doesn't mean that you might have
8 received it and you just don't recall it today?

9 A That's correct.

10 Q Do you recall, ma'am, as you sit here on the
11 witness stand today in 2001 any conversations you may have
12 had with Mr. Ronald Brasher in 1996?

13 A No.

14 JUDGE STEINBERG: Do you even know Mr. Ronald
15 Brasher?

16 THE WITNESS: The name is very familiar.

17 BY MR. ROMNEY:

18 Q Have you ever met Mr. Brasher before today?

19 A I don't think so.

20 Q Okay. Do you know which one he is? These are
21 both Messrs. Brasher, Ronald is the more mature gentleman.

22 JUDGE STEINBERG: Is the least young one.

23 MR. ROMNEY: The least young. Yes.

24 BY MR. ROMNEY:

25 Q Now, I would also ask you to take in front of

1 you -- pertaining to Exhibit No. 14 -- well, I think it is
2 there on Exhibit No. 14, the fourth page in?

3 A Yes.

4 Q Do you recognize the name John Black?

5 A Yes, I do.

6 Q Do you know Mr. Black?

7 A Yes.

8 Q What kind of business is he in, do you know?

9 A He provides license -- he prepares license
10 requests for licensing.

11 Q And you can identify from page 4 of Exhibit No. 14
12 that Mr. Black was the preparer of the application or the
13 contact representative on this particular application?

14 A That's correct. Yes.

15 Q Now, if there had been a request regarding a
16 cancellation that was too late, is it a possibility that you
17 may have called Mr. Black as opposed to calling Mr. Brasher?

18 A That's possible. Yes.

19 Q So it would not be beyond your imagination that
20 Mr. Brasher could lack any memory of you contacting him and
21 saying that this had already gone in, would it?

22 A No. It would not be unusual for me to contact the
23 preparer of the license.

24 Q Thank you. You don't have any personal knowledge,
25 do you, whether or not Mr. Brasher made an effort, Mr.

1 Ronald Brasher made an effort, to cancel the Ruth Bearden
2 application, do you?

3 A No.

4 Q Some of your questions regarding the coordination
5 of frequencies, you stated that once the PCIA coordinates
6 the frequency and passes that information on to the FCC, it
7 is then the FCC's responsibility to determine whether or not
8 the channels have actually been loaded? Was that your
9 testimony?

10 A No, we make that determination at PCIA.

11 Q Okay. But if there is an application for a single
12 frequency such as the ones that you have been shown here
13 today, the actual verification of the loading of those
14 channels is done by the FCC? Is that correct?

15 A Well, as far as complying with the license, yes.

16 Q And that is done through a Form 800 construct
17 letter?

18 A Yes.

19 (Pause.)

20 Q If an applicant for a channel or for a frequency
21 in the Dallas-Fort Worth area, let's take for example, since
22 that's where these events occurred, had a station already
23 built and loaded in the Dallas area and then were to apply
24 for a secondary site such as what we've referred to in this
25 particular litigation as the Allen, Texas area, would that

1 application for a secondary site for a channel justify the
2 loading requirements that are required by PCIA?

3 A I'm not quite sure that I understand the
4 terminology that you're requesting. Sites are considered
5 either primary or secondary. If the site is considered
6 primary, it must have loading. A secondary site is afforded
7 no loading and is afforded no protection.

8 Q How about a second site, not a secondary site, but
9 just a second site?

10 A A second site would --

11 Q With the same frequencies.

12 A On the same frequency, if they wanted that site
13 protected from no other intrusions from another licensee,
14 they would have to have the 90 units at that second site.

15 Q If that channel were programmed into the same
16 radios that were used on the primary site, would that
17 satisfy the loading requirement, as far as you understand
18 it?

19 A No.

20 Q And is there a particular rule upon which you base
21 that answer or a particular FCC rule that you are aware of?

22 A It goes back to 90.313, meaning that you have to
23 have 90 units around each transmitter in order to be
24 afforded primary status and protection.

25 Q Now, if someone were to have received advice in

1 the 1995-1996 timeframe that they were not permitted to make
2 applications for separate frequencies under the same name,
3 would that advice have been incorrect?

4 A They can make -- that would be incorrect.

5 Q Thank you. Are you familiar with the term managed
6 station?

7 A Yes.

8 Q Does that mean anything to you?

9 A I can give you my definition.

10 Q Would you, please?

11 A A managed system would be one in which someone
12 other than the applicant would be handling the day-to-day
13 operations.

14 Q And that is permitted by the rules of the FCC, as
15 far as you know?

16 A As far as I know, yes.

17 Q And that was common in the industry as of 1995 and
18 1996?

19 A Yes.

20 Q Are you familiar with an entity by the acronym
21 ITA?

22 A Yes.

23 Q What is that, please?

24 A That's the Industrial Telecommunications
25 Association.

1 Q And what kind of an organization is that?

2 A They are the same type of organization as PCIA.
3 However, they are the certified frequency coordinator for
4 the industrial pool of frequencies.

5 Q And how does that differ between what PCIA does?

6 A In '96, the pools were separated into 13 different
7 pools. There was a business pool, industrial, land
8 transportation, public safety, and so we were assigned
9 different frequencies which to manage.

10 Q And today, are they still different entities?

11 A The pools with reforming have come together.

12 Q You used the term reforming?

13 A Yes.

14 Q And what does that mean?

15 A That means the frequencies below 800 megahertz
16 were consolidated into one pool.

17 Q So there are two entities out there even today,
18 PCIA and ITA, that do coordination of frequencies for FCC?

19 A There are more than that.

20 Q Now, is there ever a time, for example, when PCIA
21 and ITA disagree on interpretation of FCC rules?

22 A I'm sure there is.

23 Q And you're familiar with that happening in the
24 past?

25 A Yes.

1 MR. ROMNEY: Pass the witness, Your Honor.

2 JUDGE STEINBERG: Are you familiar with someone
3 named -- is his first name Scott? Fennell?

4 MR. ROMNEY: Fennell.

5 JUDGE STEINBERG: F-e-n-n-e-l-l?

6 THE WITNESS: Yes.

7 JUDGE STEINBERG: Is his first name Scott?

8 MR. ROMNEY: Yes.

9 THE WITNESS: He's a former employee.

10 JUDGE STEINBERG: So he worked at PCIA.

11 THE WITNESS: Yes.

12 JUDGE STEINBERG: Do you know when?

13 THE WITNESS: During this timeframe.

14 JUDGE STEINBERG: The '95-'96 timeframe?

15 THE WITNESS: Yes.

16 JUDGE STEINBERG: If he had told somebody that a
17 single individual could not apply for more than channel or
18 frequency pair in their own name, that advice would have
19 been incorrect?

20 THE WITNESS: Given what you said, yes. I mean,
21 I --

22 JUDGE STEINBERG: Is there another way to say it
23 that would make the answer no?

24 THE WITNESS: Well, yes. I mean, it is not -- a
25 person can apply for more than one single frequency on

1 multiple applications. What he may have inferred or implied
2 was that if you apply for more than one frequency on the
3 same application, the Commission may come back and ask you
4 for justification for your loading.

5 JUDGE STEINBERG: Okay. From your experience --

6 And you may want to object to this, so I'm putting
7 you on notice --

8 MR. ROMNEY: I object, then.

9 JUDGE STEINBERG: Okay. I'd say wait for the
10 question to be asked.

11 From your experience in dealing with people like
12 John Black and I assume that you used to deal extensively
13 with the applicants themselves --

14 THE WITNESS: Correct.

15 JUDGE STEINBERG: Was that concept -- when I say
16 "that concept" I mean you can apply for one frequency per
17 application and file as many applications as you wanted, but
18 you couldn't apply for two frequencies in the same
19 application until you were fully loaded, that is the concept
20 I'm talking about. From your experience during that
21 particular time period, was that something that
22 applicants -- that caused confusion to applicants?

23 THE WITNESS: It may have.

24 JUDGE STEINBERG: Okay. But, I mean, did you have
25 occasion to explain that to lots of people during that time

1 period?

2 THE WITNESS: No.

3 JUDGE STEINBERG: Okay. So you really don't know
4 the answer to the question.

5 THE WITNESS: No.

6 JUDGE STEINBERG: That it would basically be the
7 individual involved -- whether there was confusion would be
8 basically up to the individual you were dealing with.

9 THE WITNESS: Correct.

10 JUDGE STEINBERG: Some people were confused, some
11 people weren't.

12 THE WITNESS: That's right.

13 JUDGE STEINBERG: You didn't object.

14 MR. ROMNEY: I didn't.

15 JUDGE STEINBERG: So I guess it must have been
16 good questions.

17 MR. ROMNEY: Good questions, Your Honor.

18 JUDGE STEINBERG: Okay.

19 Mr. Pedigo?

20 CROSS-EXAMINATION

21 BY MR. PEDIGO:

22 Q Good morning, Ms. Ross. My name is Lawson Pedigo
23 and Ronnie Wilson and I represent Dave and Diane Brasher.
24 Just a couple of quick questions.

25 I believe you've already testified that -- let me

1 give you a hypothetical. DLB Enterprises, let's say, puts
2 its name on ten applications and as long as the frequency
3 pair on each application, there's only one frequency pair
4 requested on each application, PCIA would coordinate that,
5 process it and forward it to the FCC. Is that correct?

6 A That's correct.

7 Q Then it would be up to the FCC to determine
8 compliance with the rule 90.313 in terms of the loading.

9 A That's correct.

10 Q Okay. If you were trying to take on a new
11 customer that needed, let's say, 600 or 700 units, it
12 wouldn't make sense, would it, that you would take 90 units
13 at a time if you were trying to get one customer that
14 instantaneously needed 700 units. Is that correct? Do you
15 understand my hypothetical?

16 A I understand your hypothetical. 470 is a little
17 bit different than some of the other radio services where
18 you are allowed to get the license for whatever number of
19 units that you need and then construct it and load it and
20 have a timeframe to load your system. 470 was different in
21 that you had to have the loading up front. So what would
22 happen if -- and this would be what I would ask the
23 applicant is -- I go ahead and assign you these frequencies
24 and your contract with your customer falls through?

25 Q Right. But that would be the type of rationale

1 for granting those ten applications that DLB Enterprises
2 would then talk to the FCC about.

3 A Yes.

4 Q Okay. And the FCC could perhaps give credence to
5 that explanation or not, but it would be their decision
6 then.

7 A That would be their decision and that would be
8 something I would forward to the Commission to let them make
9 the final determination on.

10 Q And in that case, if they thought that that was a
11 reasonable justification for asking for ten different
12 frequency pairs at 90 units each, then DLB Enterprises would
13 have ended up with licenses that the FCC thought was
14 appropriate. Is that correct?

15 A That's correct.

16 JUDGE STEINBERG: When these ten -- let's say
17 these hypothetical ten applications were sent to the FCC,
18 would PCIA indicate in any way that these ten applications
19 were filed for ten frequencies by the same applicant? Or
20 would that be up to the FCC to marry them up, if you know
21 what I mean?

22 THE WITNESS: I would think that if -- looking at
23 the dates, they were all filed at the same time at the
24 Commission, so probably they would make that determination
25 there.

1 JUDGE STEINBERG: But PCIA would not point this
2 out to the Commission.

3 THE WITNESS: No.

4 JUDGE STEINBERG: Okay. So the Commission -- if
5 the Commission realized they were -- it was up to the
6 Commission to realize that there were ten applications by
7 the same applicant for different frequencies.

8 THE WITNESS: That's correct.

9 BY MR. PEDIGO:

10 Q But based on the date stamp, you think that would
11 be the kind of pattern that the FCC would likely become
12 aware of.

13 A Yes.

14 Q All right. Have you ever seen the FCC deal then
15 directly with an applicant to make technical changes to
16 applications?

17 A For technical data?

18 Q Well, or any -- what changes have you seen the FCC
19 deal with an applicant on?

20 A Not directly, very little. If it's a technical
21 data type of change, it has to come back through the
22 frequency coordinator for re-certification, so we would be
23 made aware of that.

24 Q Okay. But if the FCC determined that they would
25 rather have DLB Enterprises be the applicant rather than ten

1 separate names, that is something they could have pointed
2 out and that could have been corrected at that time?

3 A I'm not sure if the FCC would make that
4 determination.

5 MR. PEDIGO: Okay. All right.

6 No further questions, Your Honor.

7 JUDGE STEINBERG: Any redirect?

8 MR. KNOWLES-KELLETT: Yes. Just a couple of
9 questions.

10 JUDGE STEINBERG: Unfortunately, my time schedule
11 didn't include redirect, but we're well within our time.
12 I can't think of everything.

13 MR. KNOWLES-KELLETT: Okay.

14 REDIRECT EXAMINATION

15 BY MR. KNOWLES-KELLETT:

16 Q I'd like to show you what's been marked RB/PB
17 Exhibit 10 and RB/PB Exhibit 11. I'd like to know if you
18 recognize those.

19 A Yes.

20 Q Okay. Could you say what they are?

21 A They are the notification letters that we send out
22 to our dealers and customers when we receive applications
23 and then when we forward them to the FCC.

24 Q Okay. If I told you an application was forwarded
25 to the FCC, was received by the FCC July 16, 1996, when

1 would the card that went to the application that it was
2 forwarded to the FCC be mailed?

3 A Generally speaking, these particular cards are on
4 an overnight process, so they would be printed out the day
5 after, the next business day after coordination had been
6 completed and then they would be mailed within the first
7 couple of days.

8 We file applications with the FCC within three
9 business days of the date of coordination.

10 Q So regardless of who you called to say it had been
11 forwarded to the FCC, the applicant would have been mailed a
12 notice that it was forwarded to the FCC?

13 A The applicant or the dealer, yes.

14 MR. KNOWLES-KELLETT: Okay. I have two other
15 questions that should have been asked on direct.

16 JUDGE STEINBERG: Well, we'll have recross, so ask
17 your questions.

18 Does anybody object?

19 MR. ROMNEY: I'm sorry?

20 JUDGE STEINBERG: Mr. Kellett said he's got two
21 questions he should have asked on direct.

22 Just ask them.

23 MR. PEDIGO: We'll yield.

24 MR. KNOWLES-KELLETT: Okay. Thank you.

25 (Pause.)

1 MR. KNOWLES-KELLETT: I'd like to have this
2 marked -- I think I'm on 71.

3 JUDGE STEINBERG: Correct.

4 MR. KNOWLES-KELLETT: 71, 72 and 73.

5 JUDGE STEINBERG: Do you have any order in which
6 you want them --

7 MR. KNOWLES-KELLETT: It doesn't matter,
8 Your Honor. How about in chronological order, if we could?

9 JUDGE STEINBERG: Okay. Exhibit 71, Public Notice
10 released August --

11 MR. KNOWLES-KELLETT: I think it's July 1, 1987.

12 JUDGE STEINBERG: Well, I see a date of --

13 MR. KNOWLES-KELLETT: It's in August '87.

14 JUDGE STEINBERG: Where do you see July 1, 1987?

15 MR. KNOWLES-KELLETT: The one with Detroit --

16 JUDGE STEINBERG: Well, I don't have that one.

17 (Pause.)

18 JUDGE STEINBERG: Well, I'll tell you. Let's go
19 off the record.

20 (A brief recess was taken.)

21 JUDGE STEINBERG: Back on the record.

22 Exhibit 71, Public Notice dated July 1, 1987.

23 Now, attached to that is an August 21, 1987 notice, Public
24 Notice?

25 MR. KNOWLES-KELLETT: No, July 1 is 71.

1 JUDGE STEINBERG: Let's go off the record again.

2 (A brief recess was taken.)

3 JUDGE STEINBERG: We're back on the record.

4 I'm going to mark for identification three
5 exhibits, Enforcement Bureau exhibits.

6 Marked for identification as Exhibit 71 is a
7 public notice dated July 1, 1987 and it consists of a total
8 of six pages.

9 (The document referred to was
10 marked for identification as
11 EB Exhibit No. 71.)

12 JUDGE STEINBERG: Marked for identification as
13 Enforcement Bureau Exhibit No. 72 is a public notice dated
14 August 21, 1987, 12 pages.

15 (The document referred to was
16 marked for identification as
17 EB Exhibit No. 72.)

18 JUDGE STEINBERG: Marked for identification as EB
19 Exhibit No. 73 is a public notice dated September 18, 1987
20 and it is a total of five pages.

21 (The document referred to was
22 marked for identification as
23 EB Exhibit No. 73.)

24 JUDGE STEINBERG: Okay. Mr. Kellett?

25 MR. KNOWLES-KELLETT: Okay.

1 BY MR. KNOWLES-KELLETT:

2 Q Ms. Ross, I believe you testified you were working
3 for NABER in 1987. Is that correct?

4 A That's correct.

5 Q Were you aware at that time of the 900 megahertz
6 lottery that the Commission held?

7 A No. These were issued prior to my start date.

8 Q Okay. Were you aware in 1987 of the lottery?

9 A No.

10 Q Okay. Do you know if the applications for the
11 lottery needed to be coordinated?

12 A They did not.

13 Q Okay. So how do you know that?

14 A Typically, the applications don't require
15 coordination for a lottery purpose.

16 Q Okay. Were you aware of other lotteries the FCC
17 held at or about the same time, in the following years?

18 A No.

19 Q Okay. So if they didn't require coordination,
20 would the cards have been sent?

21 A No.

22 MR. KNOWLES-KELLETT: I'd ask that we take
23 official notice of these releases.

24 JUDGE STEINBERG: Well, why don't we get through
25 the recross and then we can do the exhibits later.

1 Mr. Romney?

2 RECROSS-EXAMINATION

3 BY MR. ROMNEY:

4 Q Was it your testimony, ma'am, that applications
5 that were filed for the lottery were not coordinated through
6 NABER or PCIA?

7 A I'm not aware that they were.

8 Q Do you have any knowledge if the applications that
9 were submitted in the 900 megahertz lottery were retained by
10 any organization?

11 A No, I don't.

12 Q You just don't have any knowledge?

13 A I don't have any knowledge. No.

14 MR. ROMNEY: Pass the witness, Your Honor.

15 RECROSS-EXAMINATION

16 BY MR. PEDIGO:

17 Q On this lottery, did it make a difference if it
18 was a user license or a business license? If you know.

19 A I don't know. Looking at the public notices,
20 these were for SMR applicants and we didn't provide
21 coordination services for 900 megahertz SMR entities.

22 Q Well, if you were a winner of this lottery, you
23 would have received a license for 900. Is that correct?

24 A Yes.

25 Q And if you got the license, then you would start

1 receiving mail. Isn't that correct?

2 A What do you mean by mail?

3 Q I'm sorry, mail from the FTC. I'm sorry.

4 A Yes. You would get your license in the mail,
5 I would assume.

6 Q And if somebody were to try to retrieve
7 information about who won a license, that information should
8 be in a database some place. Is that correct?

9 A I would imagine it would be public information.
10 Yes.

11 MR. PEDIGO: No further questions, Your Honor.

12 JUDGE STEINBERG: Okay. Mr. Kerben, do you have
13 any questions?

14 MR. KERBEN: Not at this time.

15 JUDGE STEINBERG: Okay. Then the witness is
16 excused.

17 I want to thank you very much for coming and
18 testifying. We appreciate it. Somebody will tell you about
19 the sequestration limits and rules that we have.

20 (The witness was excused.)

21 JUDGE STEINBERG: Let's take a ten-minute break.

22 (A brief recess was taken.)

23 JUDGE STEINBERG: Ms. Bolsover, could you please
24 stand and raise your right hand?

25 //

1 Whereupon,

2 GAIL BOLSOVER

3 having been first duly sworn, was called as a
4 witness herein and was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. LANCASTER:

7 Q Would you please state your full name for the
8 record?

9 A Gail Bolsover.

10 Q And are you employed, Ms. Bolsover?

11 A Yes, I'm employed by the U.S. Postal Inspection
12 Service Crime Lab at Dulles, Virginia.

13 Q And what is your title there?

14 A Forensic Document Analyst.

15 Q And how long have you been an employee of the
16 Postal Service?

17 A I've been employed with the Postal Service since
18 November of 1977.

19 Q Prior to your employment with the Postal Service,
20 where did you work?

21 A I worked for the U.S. Treasury Department, Bureau
22 of Government Financial Operations.

23 Q And how long were you there?

24 A Just over two years.

25 Q And what did you do there?

1 A I was in training to be a forensic document
2 analyst.

3 Q Okay. Can you briefly describe the nature of your
4 work as a document analyst?

5 A Yes. I examine and compare questioned
6 handwriting, handprinting and typewriting for the purpose of
7 identifying or eliminating known subjects and I formally
8 report those findings and then give expert testimony if I am
9 required.

10 Q Okay. And in your official capacity, how much
11 time is devoted to this profession, doing just that?

12 A My full working day.

13 JUDGE STEINBERG: Can I ask, is anybody going to
14 question the expertise of the witness?

15 MR. ROMNEY: No, sir.

16 MR. PEDIGO: No, Your Honor.

17 JUDGE STEINBERG: Okay.

18 MS. LANCASTER: Your Honor, I would still like to
19 have it on the record because it's going to come in when we
20 question the expertise of the opposing witness.

21 JUDGE STEINBERG: Okay.

22 BY MS. LANCASTER:

23 Q What is the extent of your formal education?

24 A I have a Bachelor of Arts from the American
25 University in Washington, D.C. and a Master's of Forensic

1 Science from the George Washington University in Washington,
2 D.C.

3 Q And what special training have you received to
4 prepare for the work you are doing as a document analyst?

5 A I received specialized training from several
6 experienced document examiners and it consists of reading
7 leading references, attending United States Secret Service
8 and FBI training courses and conducting examinations under
9 the guidance of those experienced examiners.

10 Q Have you been certified by any professional
11 organizations to practice questioned document examination?

12 A Yes. I'm a diplomate of the American Board of
13 Forensic Document Examiners.

14 Q And what is the American Board of Forensic
15 Document Examiners?

16 A It's a certifying board that was set up in 1977
17 from a grant from the U.S. Department of Justice in order
18 for the legal community to be able to differentiate between
19 forensic document examiner and a graphologist.

20 Q Is it sponsored or recognized by any other
21 preeminent organizations in this particular area?

22 A Yes. The American Academy of Forensic Sciences is
23 a sponsor, the American Society of Questioned Document
24 Examiners, and the Canadian Society of Forensic Scientists,
25 all are sponsors of the board.

1 Q Do those organizations certify any other
2 organization or do they recognize that any other
3 organization is qualified to certify anyone as a document
4 examiner?

5 A Not as a forensic document examiner, no.

6 Q Okay. For shortness, because I can't say that
7 long name every time, I'm going to refer to it as ABFDE.
8 Do you understand that I mean the American -- what is it?

9 A American Board of Forensic Document Examiners.

10 Q Thank you. Are members of the American Board of
11 Forensic Document Examiners recognized by the U.S. courts?

12 A Yes, they are.

13 Q Can you get a job in a federal or state lab
14 without being a member of ABFDE?

15 A You either have to be a member or you have to be
16 qualified to be a member.

17 Q Can you tell me what the minimum qualifications
18 are to be a member?

19 A You need a Bachelor's degree. You need a two to
20 two and a half year training program, a certified training
21 program certified by the board and conducted by examiners
22 who are recognized by the board.

23 Q When you say two to two and a years, is that a
24 full-time training program?

25 A Yes, it is.

1 Q I believe you testified just a moment ago that you
2 were at the Treasury Department and that that was an
3 apprenticeship for you?

4 A Yes, it was.

5 Q Is that one of the certified programs that would
6 be recognized in order to obtain certification by ABFDE?

7 A Yes.

8 MS. LANCASTER: I would move that she be accepted
9 as an expert, Your Honor.

10 MR. ROMNEY: No objection, Your Honor.

11 MR. PEDIGO: No, objection.

12 JUDGE STEINBERG: Okay. Motion granted.

13 BY MS. LANCASTER:

14 Q Ms. Bolsover, do you recall that in late January,
15 early to mid February I sent you some documents for you to
16 examine for the genuineness of the handwriting on them?

17 A Yes, I did.

18 Q Before I specifically ask you about those
19 documents or your findings, can you tell the judge, are
20 there various categories of findings, of identification that
21 you make?

22 A Yes. I have three basic categories that I use,
23 three or four. I wrote a report in which I say that someone
24 has been identified and that is a positive identification.
25 I say that it is highly probable that someone has written

1 something and I use that specifically for photocopies. If
2 I have a photocopy that is a good, clear photocopy and if it
3 had been the original, I would have said the person has been
4 identified, I back off some because I'm looking at a
5 photocopy and I don't have, you know, the original writing,
6 so I say it's highly probable that they wrote it.

7 Q Now, let me interrupt you for one second.
8 Do photocopies distort the image?

9 A You might lose some of the individual
10 characteristics.

11 Q Okay. I'm sorry, go ahead.

12 A And then I say that someone probably wrote
13 something and that is that there is enough evidence to
14 suggest the likelihood that they did.

15 JUDGE STEINBERG: Okay. What was that? You said
16 probable was the third category?

17 THE WITNESS: Probable.

18 JUDGE STEINBERG: And why don't you define that
19 again.

20 THE WITNESS: There is enough evidence to suggest
21 the likelihood. And, again, there could be a lot of
22 reasons, either the lack of no writing or the fact that you
23 have, again, a photocopy but a very poor photocopy. There's
24 different reasons why I have to say someone probably wrote
25 something. And then I have that basically it can't be